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Via ECF and Email (*Torres\_NYSDChambers@nysd.uscourts.gov*)

February 15, 2018

The Hon. Analisa Torres  
U.S. District Judge, Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
Courtroom 15D  
500 Pearl Street  
New York, NY 10007-1312

**RE: Pre-Motion Letter re: Motion for Leave to Amend Complaint**  
***Essar Steel Algoma Inc. v. Southern Coal Sales Corporation***  
**Case No. 1:17-mc-00360-AT**

Dear Judge Torres:

We are counsel for plaintiff Essar Steel Algoma, Inc. ("Algoma"). Pursuant to Your Honor's Individual Practices in Civil Cases, III.A, Algoma submits this letter to explain the basis for its unopposed motion for leave to amend the complaint. Because Defendant Southern Coal Sales Corporation ("Southern Coal") does not oppose the amendment, Algoma is filing its motion contemporaneously with this letter.

As noted in Algoma's January 17, 2018 letter to Your Honor (Dkt. 28) and during the Initial Pretrial Conference held on January 18, 2018, the original complaint in this matter was filed in Delaware bankruptcy court, where subject-matter jurisdiction was based on the federal bankruptcy laws. The case was transferred to this Court, where subject-matter jurisdiction is based on diversity of citizenship under 28 U.S.C. § 1332(a). This Court has diversity jurisdiction because Algoma is a foreign citizen, Southern Coal is a U.S. citizen, and the matter in controversy exceeds \$75,000. Algoma, with Southern Coal's consent, seeks leave to amend its complaint to reflect the correct basis for subject-matter jurisdiction.

Respectfully yours,

*s/ Kip T. Bollin*

Kip T. Bollin

cc: Counsel of record, via ECF notice

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